

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6360

BILL NUMBER: HB 1205

NOTE PREPARED: Nov 20, 2006

BILL AMENDED:

SUBJECT: Motor Vehicle Operation Penalties.

FIRST AUTHOR: Rep. Pelath

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill increases penalties for persons who violate certain laws concerning motor vehicle operation if the violation results in: (1) an injury to another person; (2) a serious bodily injury to another person; or (3) the death of another person.

Effective Date: July 1, 2007.

Explanation of State Expenditures: In addition to enhancing the criminal penalties for certain driving offenses (see *Explanation of State Revenues* below), the court could recommend the suspension of the offender's driving privileges. A suspension of driving privileges could result in additional costs for the Bureau of Motor Vehicles (BMV) to send notice of the suspension and for processing.

The funds and resources required above could be supplied through a variety of sources, including the following: (1) existing staff and resources not currently being used to capacity; (2) existing staff and resources currently being used in another program; (3) authorized, but vacant, staff positions, including those positions that would need to be reclassified; (4) funds that, otherwise, would be reverted; or (5) new appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions.

Background on BMV: For FY 2006, the BMV reverted approximately \$3.2 M from its main operating account. As of October 26, 2006, BMV had 78 vacant, budgeted positions with annual salaries amounting to approximately \$2.0 M.

Background on Suspension: There are no data available to indicate the circumstances of violations cited. The

table below summarizes the driving privilege suspensions included in the bill.

Code Site - Description	Suspension Current Law	Suspension Proposed	Ave. Annual Citations (2000-2004)
9-21-8-49 - Penalty for Various Operation of Motor Vehicle Offenses	• No Suspension	• 30 days for injury • 90 days for serious bodily injury • 180 days for death	41,207
9-21-8-50 - Tractor-trailer combination reckless driving	• No Suspension	• 1 year for injury • 3 years for death	No information
9-21-8-51 - Failing to dim bright or blinding lights	• No Suspension	• 30 days for injury • 90 days for serious bodily injury • 180 days for death	349
9-21-8-52 - Reckless driving and reckless driving causing damage	• Fixed period of not less than 30 days and not more than one year for causing damage to property	Additional: • 1 year for injury • 3 years for death	4,547
9-21-8-54 - Penalties for failure to yield to a emergency vehicle	• Fixed period of not less than 180 days and not more than 2 years for injury. • 2 years for death	• Fixed period of not less than 1 year and not more than 2 years for injury • 3 years for death	1,113
9-21-8-55 - Aggressive driving	• No Suspension	• 1 year for injury • 3 years for death	No Information
9-21-10-6 - riding two abreast on a motorcycle	• No Suspension	• 30 days for injury • 90 days for serious bodily injury • 180 days for death	0

Explanation of State Revenues: *Summary for Infractions and Misdemeanors:* Revenues to the state General Fund and the Common School Fund may increase if offenders receive enhanced penalties for offenses that result in the death of another person. The amount of the increase will depend on the circumstance of the offense and the decisions of the court.

Infractions: The bill creates enhanced penalties for violations of sections concerning the operation of motor vehicles that result in the death of another person. The violations range from disregarding a traffic officer to driving left of the center line, as two examples. It also increases the penalty for riding motorcycles abreast resulting in the death of another person. The motor vehicle operation violations and the motorcycle violation are currently Class C infractions. If one of these violations resulted in the death of another person, the penalty for the violation would increase to a Class B infraction under the bill. On average between 2000 and 2004, there were 41,207 citations per year issued for the various motor vehicle operation violations and there were no citations for the motorcycle riding abreast violation. There are no data available to indicate how many of the cited violations resulted in the death of another person.

Revenue to the state General Fund could increase if an infraction is changed from Class C to Class B. The maximum judgment for a Class C infraction is \$500, while the maximum judgment for a Class B infraction is \$1,000. Proceeds from infraction judgments are deposited in the state General Fund. No additional revenue would be expected since the court fees are \$70 for both infraction types.

Misdemeanors: Also, under the bill, a person who operates a tractor-trailer combination in a reckless manner resulting in the death of another person would face an enhanced penalty of a Class A misdemeanor. There are no data available concerning this offense.

Other offenses that would have increased penalties if they resulted in the death of another person include reckless driving and reckless driving causing damage. These offenses are Class B misdemeanors and would be enhanced to Class A misdemeanors if they resulted in the death of another person. On average between 2000 and 2004, there were 4,547 citations issued for these offenses. However, there are no data available to indicate if the offenses resulted in the death of another person.

Revenue to the Common School Fund may increase if a person is sentenced for a Class A misdemeanor rather than for a Class B misdemeanor. The maximum fine for a Class B misdemeanor is \$1,000, while the maximum fine for a Class A misdemeanor is \$5,000. Court fees of \$120 would remain unchanged.

Explanation of Local Expenditures: *Misdemeanors:* Costs to local governments could increase because the maximum term of imprisonment for a Class B misdemeanor is up to 180 days, while the maximum term for a Class A misdemeanor is up to one year. The average daily cost of housing a prisoner is an approximately \$44.

Explanation of Local Revenues: *Infractions and Misdemeanors:* No additional revenue would be expected since the court fees are \$70 for both infraction types and the court fees for misdemeanors of \$120 would remain unchanged.

State Agencies Affected: Bureau of Motor Vehicles.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association.

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